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EXAMINER
DENNISON, JERRY B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-10,13,14 and 17-22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6-10,13,14 and 17-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *electronically filed 2/23/2009*.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

RESPONSE TO AMENDMENT

1.   This Action is in response to the Amendment for Application Number 10/521,379

received on 2/13/2009.

2.   Claims 1-2, 4, 6-10, 13-14, 17-22 are presented for examination.

3.   The prosecution for this case has been transferred to another Examiner. All

corresponding communications should be directed to Examiner's contact information,

provided below.

Claim Objections

4.   Claim 6 is objected to because of the following informalities: Claim 6 recites the

limitation, "further comprising the floor controller conferring direct access to the data

source and floor control, temporarily to one [of] the group of network components",

which is missing the indicated word. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 17-22 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 17 recites a network component that comprises a user interface. As such,

the network component is made up of a user interface without any hardware recited in

the claim, and is therefore interpreted as strictly software.

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

M.P.E.P. 2601.1 Section I states, "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material."

Claims 17-22 do not provide the computer-readable medium needed to realize the program's functionality. As such, claims 17-22 are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claim(s) 1-11, 13, 14 and 17-31 are rejected under 35 U.S.C. 102(b) as being

anticipated by Wei et al. (JMS: A Flexible Collaborative Environment).

3.   In view of claim 1, the Wei et al. reference teaches a method of controlling a floor

controller belonging to a group of network components in a communications network

including a group of network components which are configured to receive a data stream

from a data source, the method comprising the steps of:

the floor controller selecting from the group of network components a network

component for controlling the data source (see figure 2 and page 197 left column

paragraphs 2-6, and right column, second paragraph: the JMS client whose floor

manager has the floor control and is therefore the floor controller which takes the

session control action according to the floor policy, e.g. chair guidance or first-come-

first-serve grants the floor to the floor requesting user client, the JMS client being the

JMS client of the floor controller and is thus selecting the JMS client of the floor

controller to be the floor holder; only the JMS client which has the floor, the floor holder,

has the right to control the application session on all other user clients and therefore has

the session control over the local application tool and all remote application tools);

receiving a control instruction from one of the group of network components, the

control instruction relating to a control of the data source (see figure 2 and page 198

right column paragraph 2 lines 18-40 receiving a coupling event from the application

tool of the floor holder at the JMS client of the floor holder, which is the selected JMS

client of the floor controller, the coupling event controls the application tool of the user

client who is the floor holder by feeding it back from its JMS client by means of the floor

manager and it control also the application tools of the other user clients; see page 201,

right column, paragraph 4 with page 199, left column, third paragraph: coupling events

like start, stop, pause); and in response to receipt of the control instruction from the one

of the group of network components, triggering transformation of the control instruction

into an appropriate session control command and forwarding the session control

command to the data source (see page 198 left column paragraph 2, right column

paragraph 2, upon receiving the coupling event at the JMS client of the floor holder –

which is the selected JMS client of the floor controller- sending the coupling event back

to the application tool of the floor holder; see also page 201, right column, paragraph 4

with page 199, left column, third paragraph, only the JMS client which has the floor, the

floor holder, has the right to control the application session on all other user clients and

therefore has the session control over the local application tool and all remote

application tools).

4.   In view of claim 2, the Wei reference teaches the method of claim 1, wherein the

control instruction relates to a control of the data stream (see figure 3 page 199 right

column paragraph 1 lines 12-15 wherein an example coupling event controls all

operations of a whiteboard application; also page 201 right column paragraph 4 wherein

an example coupling event involving an application media player includes control

instructions like 'stop' of a media stream).

5.   In view of claim 4, the Wei reference teaches the method of claim 1, wherein the

data stream belongs to a streaming or gaming or gambling session initiated by the floor

controller (see figure 4 and page 200 right column paragraph 3 wherein the data stream

belongs to a gaming session initiated by the floor controller).

6.   In view of claim 5, the Wei reference teaches the method of claim 1, wherein the

floor controller confers at least one of a direct access to the data source and floor

control at least temporarily to one of the network components of the group of network

components (see page 197 right column first paragraph wherein the floor controller can

be enforced to transfer between participants in a turn-taking policy; also see top of page

200 paragraph 1-2 wherein each participant in a conference can take floor control from

the floor controller upon request in the chair-guidance policy).

7.   In view of claim 6, the Wei reference teaches the method of claim 1,

wherein the floor controller passes control of the data source by instructing one of the

network components to take over session control or upon receipt of a request for

session control from one of the network components (see top of page 200 paragraph 1-

2 wherein floor controller passes control upon a request for session control of the

application initiated; also see figure 3 for release flow button in floor control panel to

release control).

8.   In view of claim 7, the Wei reference teaches the method of claim 1,

wherein a session control channel for receiving control instructions is established only

between the floor controller and the selected network component of the group of

network components (see figure 2 and page 198 right column paragraph 2 lines 19-22

wherein the multiplexer thread enables application tools to share one communication

channel without interfering with each other for sharing coupling events).

9.   In view of claim 8, the Wei reference teaches the method of claim 1,

wherein session control channels for receiving control instructions are established

between the floor controller and two or more network components of the group of

network components (see figure 2 and page 198 right column paragraph 2 lines 19-22

wherein the multiplexer and demultiplexer threads enable multiple application tools,

which are connected to the session manager, to share one communication channel

without interfering with each other for sharing and receiving coupling events).

10.   In view of claim 9, the Wei reference teaches the method of claim 1, wherein for

floor control purposes a floor control channel is established between the floor controller

and at least one of the network components (see figure 2 and page 197 paragraph 3,

wherein a network component [JMS client] is floor holder through the use of application

tools and page 198 right column paragraph 2 lines 19-22 wherein the multiplexer and

demultiplexer threads enable multiple application tools, which are connected to the floor

manager, to share one communication channel without interfering with each other).

11.   In view of claim 10, the Wei reference teaches the method of claim 1, wherein

the floor controller performs at least one of an authentication and authorization relating

to at least one of the network components and control instructions (see page 198 right

column paragraph 2 lines 27-32 and 38-40 wherein the floor manager of the floor

controller checks to see if the user holds floor control to determine whether or not the

user is authorized to send the coupling event).

12.   In view of claim 13, the Wei reference teaches a floor controller of a

communications network including a group of network components which are

configured to receive a data stream from a data source, the floor controller comprising:

a selection unit for selecting the network component which is to control the data source

(see figure 2 and page 197 left column paragraph 2 lines 12-22 for floor manager); a

first interface for receiving control instructions from one or more of the network

components, the control instructions relating to a control of the data source (see figure 2

and page 198 left column paragraph 2 lines 19-22 for multiplexer receiving coupling

events); and a second interface for triggering, in response to receipt of control

instructions, the transmission of corresponding session control commands to the data

source (see figure 2 and page 198 right column lines 22-35 for demultiplexer in

response to receiving coupling events, sending the events to the server).

13.   In view of claim 14, the Wei reference teaches the floor controller of claim 13,

wherein the floor controller is a mobile or stationary terminal or wherein the floor

controller is configured as a proxy component or wherein the floor controller is co-

located with the data source (see figure 2 and page 197 paragraph 5 lines 25-28

wherein the floor controller [JMS client A or B] is a hardware system).

14.   In view of claim 17, although not given any patentable weight in part to the claim

objection above, the Wei reference teaches a user interface (see figure 2 and page 198

paragraphs 3-4 for graphical user interface) of a network component belonging to a

group of network components which are configured to receive a data stream from a

data source, the user interface comprising: a first control element for controlling the data

source, the first control element being adapted to be activated to generate a control

instruction which is sent to a floor controller selecting the network component that is to

control the streaming source, the control instruction prompting the floor controller to

trigger transmission of a corresponding session control command to the data source

(see figure 2 and page 198 paragraphs 3-4 for session manager module used for tool

integration and wherein the application tool would send the coupling events to the floor

controller and then to the JMS server).

15.   In view of claims 18, although not given any patentable weight in part to the claim

objection above, the Wei reference teaches the user interface of claim 17, further

comprising a second control element for requesting session control, the second control

element being adapted to be activated to generate a request for session control which is

sent to the floor controller and prompts the floor controller to confer session control to

the network component which requested session control (see figure 3 and top of page

200 paragraph 1-2 for floor control panel and request flow button in the floor control

panel wherein the floor control panel is associated with session control and a user can request control of the application).

16.   In view of claim 19, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a third control element for requesting floor control, the third control element being adapted to be activated to generate a request for floor control which is sent to the floor controller and prompts the floor controller to confer floor control to the network component which requested floor control (see figure 3 and top of page 200 paragraphs 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and request flow button in the floor control panel and wherein a user can request control through the floor control panel).

17.   In view of claim 20, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further comprising a fourth control element for requesting direct access to the data source, the fourth control element being adapted to be activated to generate a request for direct access which is sent to the floor controller that prompts the owner of that direct access to confer direct access to the network component which requested direct access (see figure 3 and top of page 200 paragraph 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and request flow button in the floor control panel wherein a user can take control through the floor control panel).

18.   In view of claim 21, although not given any patentable weight in part to the claim objection above, the Wei reference teaches the user interface of claim 17, further

comprising a fifth control element being adapted to be activated to instruct one of the network components to take over at least one of a session control, floor control, and direct access to the data source (see figure 3 and top of page 200 paragraph 1-2 wherein a user is the session controller, floor controller and owner, also for floor control panel and release flow button in the floor control panel, wherein a user can release control through the floor control panel to one of the network components).

19.   In view of claim 22, the Wei reference teaches the user interface of claim 17, further comprising an indicator element for indicating to an operator of the network component that at least one of session control, floor control, and direct access has been conferred to him or to an operator of another network component (see figure 3 and top of page 200 paragraph 1 for floor control panel and release flow button in the floor control panel and wherein a user can release control through the floor control panel to one of the network components).

Response to Amendment

Applicant's arguments and amendments filed on 2/13/2009 have been carefully considered but they are not deemed fully persuasive.

Applicant argues "The Wei reference fails to disclose a designated floor controller selecting a network component to control a data source" and "Wei also fails to disclose that the floor controller receives a control instruction from a previously selected network component and that the control instruction triggers the transmission of a transformed session control command to the data source [Response, page 9].

Examiner respectfully disagrees.

Examiner notes that while the claims recite the steps of receiving, triggering, and

forwarding, the claims do not indicate what specific devices are performing these steps.

For example, the step of transforming and forwarding could simply be interpreted as

receiving a TCP/IP packet and performing protocol processing on the packet before

passing it to the data source. The claims have been given their broadest reasonable

interpretation consistent with an interpretation that those skilled in the art would reach.

See MPEP § 2111. See also *In re American Academy of Science Tech Center*, 2004

WL 1067528 (Fed. Cir. May 13, 2004) ("While the claims of <u>issued</u> patents are

interpreted in light of the specification, prosecution history, prior art and other claims,

this is not the mode of claim interpretation to be applied during examination. During

examination, the claims must be interpreted as broadly as their terms reasonably allow")

Further, although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns, 988 F.2d 1181, 26*

USPQ2d 1057 (Fed. Cir. 1993).

Upon receiving the coupling event at the JMS client of the floor holder – which is

the selected JMS client of the floor controller- sending the coupling event back to the

application tool of the floor holder. Only the JMS client which has the floor, the floor

holder, has the right to control the application session on all other user clients and

therefore has the session control over the local application tool and all remote

application tools (see page 198 left column paragraph 2, right column paragraph 2, see

also page 201, right column, paragraph 4 with page 199, left column, third paragraph).

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443